

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

vs

5:05-CR-519

MICHAEL MATTHEWS,

Defendant.

APPEARANCES:

OF COUNSEL:

HON. GLENN T. SUDDABY
United States Attorney
Attorney for Government
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JAMES F. GREENWALD, ESQ.

DAVID N. HURD
United States District Judge

ORDER

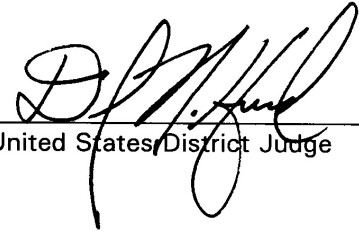
Defendant has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (Docket No. 86). The Government opposes. (Docket No. 87). Defendant has replied. (Docket No. 89).

An appeal to the Second Circuit is pending. There are no extraordinary circumstances. The motion is premature.

Therefore, the motion is DENIED.

IT IS SO ORDERED.

Dated: August 3, 2007
Utica, New York.


United States District Judge